

**REMARKS**

Claims 1-34 are all the claims pending in the application.

**I. Claim Rejections: 35 U.S.C. § 102**

The Examiner rejected claims 1-34 under 35 U.S.C. § 102(b) as allegedly being anticipated by US Pat. Appl. Publication No. 2002/0057678, to Jiang (hereinafter “Jiang”). The Applicant respectfully disagrees.

**A. Claim 1**

Jiang fails to teach “a cue unit for sending *via said voice session* to said remote unit a *cue decodable as an instruction to start a data session*,” as recited in claim 1 (emphasis added), as Jiang does not send any cue *via said voice session*.

While the invention embodied by claim 1 sends a cue via a voice session, such as by encoding a DTMF tone sequence, Jiang only discloses where an email or SMS message is sent to the user’s wireless device. *Jiang*, paragraphs [0087]-[0088]. An email or SMS message cannot be sent through the voice line in the voice session, and requires a significantly more complex configuration and network operation to link the voice and data sessions, which Jiang describes in paragraph [0081]. Jiang never describes or suggests an apparatus such as that of claim 1, where a cue unit sends a cue to the remote unit *via the voice session*.

In addition, Jiang does not disclose where the cue is “decodable as an instruction to start a data session,” as described in claim 1. The SMS or email discussed in paragraphs [0087] – [0088] of Jiang is not a coded message but a text or email message request sent apart from the voice session requesting that the user click on a link or go to a certain webpage. In contrast, the invention embodied by claim 1 encodes the cue with instructions to start a data session that are then decoded by, in one embodiment, a client resident on the remote unit. As discussed in the

Specification at page 7, paragraph 2, the cue can be, in one embodiment, a series of DTMF tones that are therefore required to be decoded by the remote unit so that the remote unit can interpret the instruction to start a data session. Jiang does not disclose decoding a cue, as Jiang only discloses sending an email or SMS message, which, as discussed above, requires a significantly more complex network operation and remote unit capabilities. By encoding the cue and sending it via the voice session, the apparatus described in claim 1 can be easily implemented on any voice network.

For at least the reasons stated above, Jiang does not anticipate each and every element of claim 1, as is required for a rejection under 35 U.S.C. § 102(b). The Applicant therefore requests that the rejection under 35 U.S.C. § 102(b) be withdrawn.

Furthermore, as claims 2-16 depend, directly or indirectly, from claim 1, the Applicant submits that claims 2-16 are allowable at least based on their dependency to claim 1.

#### **B. Claim 17**

The Applicant refers the Examiner to the arguments presented above with regard to claim 1, and submits that claims 17 is allowable for at least the same reasons. Specifically, Jiang does not disclose a client for a remote device that comprises a decoder for decoding a received voice command to transfer to a data session, as Jiang does not require decoding of the cue since it is not sent via the voice session.

Further, while the Examiner cites to paragraph [0281] of Jiang as teaching the decoder described in claim 17, Jiang only describes where the user of a remote unit sends a voice command from the remote unit to a server that hosts the “voice channel homepage provisioning service.” In contrast, claim 17 describes a client that is resident on the smart telephony device (or remote unit) which decodes a voice command that is sent *to* the remote unit *from* a server,

such as, in one embodiment, the application server 20 described in Figure 7 of the pending application. This is the opposite situation of Jiang. The Applicant notes that “voice command,” as recited in claim 17, should be interpreted as a command or cue that is sent across the voice session, as described in paragraph 2 on page 7 of the Specification. The voice command is therefore not coming *from* the user but is being sent *to* the user for decoding by the client on the smart telephony device; in marked contrast to the system described in Jiang.

The Applicant further notes that Jiang does not describe a data session launcher that launches a data session *at said smart telephony device* in response to the received voice command, as the “voice channel homepage provisioning service” described in paragraph [0281] does not reside on the remote device but at a server. As stated in paragraph [0281], the “service” sends a push actionable alert that is delivered by the messaging service to the remote device, and not launched *at said smart telephony device*, as stated in claim 17.

For at least the reasons stated above, Jiang does not anticipate each and every element of claim 17, as is required for a rejection under 35 U.S.C. § 102(b). The Applicant therefore requests that the rejection under 35 U.S.C. § 102(b) be withdrawn.

Furthermore, as claims 18 and 19 depend from claim 17, the Applicant submits that claims 18 and 19 are allowable at least based on their dependency to claim 17.

### **C. Claim 20**

Jiang does not teach each and every element of claim 20, as Jiang fails to disclose “issuing a data session launch command *via said voice session*,” as recited in claim 20. The Applicant refers the Examiner to the arguments presented above with regard to claim 1, discussing how Jiang does not send a cue via said voice session, since Jiang is limited to sending an SMS or email separately from the voice session. Similarly, Jiang fails to disclose issuing a

data session launch command *via said voice session*, as the Jiang cites only to the use of SMS, email, text messages or XML files that are not sent via the voice session but separate from the voice session.

For at least the reasons stated above, Jiang does not anticipate each and every element of claim 20, as is required for a rejection under 35 U.S.C. § 102(b). The Applicant therefore requests that the rejection under 35 U.S.C. § 102(b) be withdrawn.

Furthermore, as claims 21-34 depend from claim 20, the Applicant submits that claims 21-34 are allowable at least based on their dependency to claim 20.

## **II. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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